

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46608 of 2012

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Sanjay Kumar

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. /Smt. Ansuiya Jayaswal (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

7 25-04-2018

Heard.

This application has been filed for cancellation of anticipatory bail, granted to opposite party No. 2 by this court in connection with Noorsarai P.S. Case No. 177 of 2007 by order dated 24-09-2012 passed in Cr. Misc. No. 36258 of 2012.

The opposite party No. 2 being the Principal of K.S.T. College, Salempur, Nalanda preferred Cr. Misc. No. 36258 of 2012 with a prayer for anticipatory bail in a case registered for the offence punishable under Sections-409 & 420 of the Indian Penal Code.

The prosecution case as per the written report of one Pankaj Kumar, Executive Magistrate submitted to Station House Officer, Noorsarai is to the effect that on the complaint of Mr. Sanjay Kumar, the District Magistrate, Nalanda constituted an enquiry committee to ensure about misappropriation of funds by



the petitioner by the Principal of K.S.T. college. The enquiry committee found misappropriation of huge fund by the petitioner.

It is submitted on behalf of the petitioner that the petitioner being Principal of the college in question had misappropriated huge amount but falsely it is stated in earlier petition that misappropriation was to the extent of Rs. 2,33,416. However, during investigation huge misappropriation of funds has been suggested by the investigating agency.

It was submitted on behalf of opposite party No. 2 that the case got instituted maliciously since the college in question was blacklisted at the behest of the District Magistrate which was challenged by opposite party No. 2 before this court by filing writ application. When the District Magistrate was directed to pay Rs. 20,000/- as compensation and hence, maliciously, an enquiry was conducted to implicate the petitioner. However, it was undertaken by the opposite party No. 2 that he will deposit the alleged misappropriated amount of Rs. 2,33,416/- and on that ground, the opposite party No. 2 was granted anticipatory bail.

However, counsel for opposite party No. 2 submits that there is nothing on record to suggest that the opposite party No. 2 has misused the privilege of bail and the petitioner's counsel is trying to argue the case de novo on the materials of accusation.



Considering the rival submission of the parties, this court is of the view that the parameter for grant of bail and cancellation of bail are quite different. This court is not inclined to hear the present application for cancellation of anticipatory bail granted to opposite party No. 2 by re-appreciating the whole accusation de novo. There is nothing on record to suggest that after grant of anticipatory bail, the opposite party No. 2 has ever misused the privilege of bail.

Hence this court does not find merit in the present petition.

Accordingly, this petition is dismissed.

(Dinesh Kumar Singh, J)

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